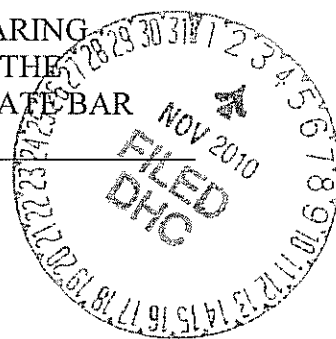


NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING  
COMMISSION OF THE  
NORTH CAROLINA STATE BAR  
10 DHC 11



THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

S. VANN SAULS, Attorney,

Defendant.

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, S. Vann Sauls, was admitted to the North Carolina State Bar on August 23, 1997 and is, and was at all times referred to herein, an attorney at law subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of North Carolina.

3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in Johnston County, North Carolina.

4. Defendant represented Lucas Daniel Currin in Johnston County court file number 07 CR 054378 on a charge of driving after consuming alcohol under the age of 21.

5. Defendant represented Bryan Scott Clark in Johnston County court file number 07 CR 50005 on a charge of driving while impaired.

6. Defendant represented Frankie McLamb Lee in Johnston County court file numbers 07 CR 51510 and 07 CR 51511 on related charges of driving while license revoked and driving while impaired.

7. Defendant associated attorney Chadwick Lee to assist him in representing Clark and Frankie Lee because he did not normally handle driving while impaired cases.

8. In September 2007, Defendant learned that Assistant District Attorney Cynthia Jaeger had submitted her resignation from the Johnston County District Attorney's Office and that her last day as a Johnston County assistant district attorney would be the end of September, 2007.

9. On or about September 17, 2007, Defendant met with Jaeger and discussed with her specific factual and legal reasons she should consider dismissing the charges against Currin, Clark and Frankie Lee.

10. After this discussion, Jaeger agreed to dismiss the cases against Currin, Clark and Frankie Lee. Defendant provided Jaeger with proposed dismissal forms at that meeting.

11. The proposed dismissal forms Defendant gave to Jaeger for the Clark and Frankie Lee matters had been partially completed, including the caption, file number, charges at issue in each case, date and Jaeger's name but not the reason for the dismissal. Jaeger told Defendant to have Chadwick Lee fill in the reasons for dismissal and file the forms because Chadwick Lee was primarily handling the Clark and Frankie Lee matters.

12. When he gave to Jaeger the proposed dismissal forms for the Currin matter, the forms were totally completed except for Jaeger's signature.

13. Jaeger signed the dismissal forms for the Currin, Clark and Frankie Lee cases, which were dated September 17, 2007, and gave them to Defendant.

14. Shortly after the meeting, Defendant provided the dismissal forms for the Clark and Frankie Lee cases to Chadwick Lee.

15. Defendant retained the dismissal for the Currin case in his file. He later delivered the dismissal form to Chadwick Lee for filing.

16. When she signed the dismissal forms for the Currin, Clark and Frankie Lee cases, Jaeger was a Johnston County Assistant District Attorney.

17. Jaeger told Chadwick Lee not to file dismissal forms signed by Jaeger for DWI cases in the Clerk's office until after Jaeger no longer was employed by the Johnston County District Attorney's Office. Before Chadwick Lee filed any of the dismissal forms, he told Defendant about this conversation with Jaeger.

18. On or about January 24, 2008, Chadwick Lee or an employee in Chadwick Lee's office delivered two dismissal forms for Frankie Lee's cases to the Clerk of Court for filing. The dismissal forms filed in the Frankie Lee cases were forms that Chadwick Lee obtained directly from Jaeger and not the forms Defendant obtained from Jaeger on or about September 17, 2007.

19. On or about February 1, 2008, Chadwick Lee or an employee in Chadwick Lee's office delivered a dismissal form for Clark's case to the Clerk of Court for filing. The dismissal form filed in the Clark case was a form that Chadwick Lee obtained directly from Jaeger and not the one Defendant obtained from Jaeger on or about September 17, 2007.

20. On or about March 25, 2008, Chadwick Lee or an employee of Chadwick's Lee's office delivered to the Clerk of Court a dismissal form for Currin's case. This was the form Defendant obtained from Jaeger on or about September 17, 2007.

21. Chadwick Lee did not deliver the dismissal forms for the Frankie Lee and Currin matters to the Clerk of Court for filing immediately upon receiving them because Defendant and Chadwick Lee wanted to wait to file the dismissal forms until their clients paid the full attorney fee for their cases. Clark had paid his fee in full by the time Jaeger left her employment as a Johnston County assistant district attorney. Therefore, Chadwick Lee did not delay delivering the Clark dismissal to the Clerk of Court as a means of securing payment of legal fees.

22. Jaeger signed many dismissals for now disbarred lawyers Chadwick Lee and Jonathon Lee Hatch. When these dismissals came to the attention of the elected District Attorney in Johnson County, the elected District Attorney asked the State Bureau of Investigation to investigate the circumstances surrounding these dismissals.

23. The SBI did investigate the circumstances surrounding these dismissals.

24. Eventually, 5 lawyers were charged with criminal offenses relating to the dismissals. Three of those lawyers, Jaeger, Hatch and Chadwick Lee, have pled guilty to felony offenses, have been sentenced to substantial periods of incarceration and have been disbarred.

25. On January 25, 2010, Defendant entered a plea of guilty in Johnston County Superior Court file no. 09 CR 01792, *State of North Carolina v. S. Vann Sauls*, to four counts of misdemeanor obstruction of justice relating to the filing of the dismissal forms in the cases of his clients Currin, Clark and Frankie Lee.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

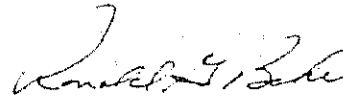
- a. By pleading guilty to and being convicted of four counts of misdemeanor obstruction of justice, Defendant was convicted of criminal offenses showing professional unfitness, in violation of N.C.G.S. 84-28(b)(1).

- b. By providing dismissal forms to Attorney Chadwick Lee for filing in the Johnston County Clerk of Court's Office in the Currin, Clark and Frankie Lee cases and permitting dismissal forms to be filed in the Clerk's Office after Jaeger was no longer an assistant district attorney and with knowledge that Jaeger had instructed they not be filed until after her employment as an assistant district attorney ended, Defendant committed criminal acts which reflect adversely on his honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4(b) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct.
- c. By failing to notify Currin and Frankie Lee that he had obtained the signed dismissal forms and by retaining the signed dismissal forms until Currin and Frankie Lee paid his legal fees, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d) of the Rules of Professional Conduct.


WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

The 3 day of November 2010.



Ronald G. Baker, Sr., Chair  
Grievance Committee



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